UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,205	11/27/2000	Gregory Zoller	CSCO-71519.US.P	7874

7590 09/21/2004	EXAMINER
WAGNER, MURABITO & HAO LLP	HOANG, PHUONG N

WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 June 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 - 28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1 - 28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 28 are pending for examination.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1 – 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claim 1, lines 8 – 10, applicant claimed translating from PERL to an intermediate language and translating from said intermediate language to the format that is suitable for the CORBA. Examiner sees that "intermediate language" is not disclosed in the specification. It is the adapter 210 used to map or translate Perl to CORBA, and adapter 210 is written in C/C++ language. Translating from PERL to an intermediate language and translating from said intermediate language to the format that is suitable for the CORBA has different meaning. For examination purpose, examiner treats the "intermediate language" as an adapter written in a C/C++ language to translate PERL to CORBA.

As to claim 2 – 10, they are dependent claim of claim 1. They are rejected for

the same reason above.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.   **Claims 1 – 2, 4 – 8, 10 - 13, 16 – 17, 19 – 25, and 28 are rejected under 35**

U.S.C. 102(e) as being anticipated by Nevarez, US patent no. 6,609,158.

6.   **As to claim 20**, Nevarez teaches a computer system, means for providing communication between a Practical Extraction Report Language (PERL) program and a distributed object comprising the steps of:

a) means for translating a call from the PERL program (adapter maps PERL program to object models including CORBA, abstract and col. 7 lines 40 – 45 and col. 9 lines 62 – col. 10 lines 20) to a format substantially compliant with a Common Object Request Broker Architecture (CORBA); and

b) means for translating a response from the call to a format substantially compliant with the Practical Extraction Report Language (adapter maps the result to Perl language, col. 11 lines 58 – col. 12 lines 5).

7.   **As to claim 21,** Nevarez teaches the step comprising of means to access the distributed object via Common Object Request Broker Architecture (abstract).

8.   **As to claims 22 and 23**, Nevarez teaches wherein the means for accessing and translating the call from the PERL program comprises the step of means for converting a Perl data structure into a form which is substantially compliant with a program which accesses the distributed object via the Common Object Request Broker Architecture (adapter converting Perl into a form which is compliant to CORBA object model, col. 9 lines 9 lines 61 – col. 10 lines 20 and 7 lines col. 40 - 65).

9.   **As to claim 11**, this is a medium claim of claim 20. See the rejection for claim

20 above.   Further, Nevarez teaches the step of:

a) receiving a request from the PERL program, the request specifying

the distributed object (fig. 2 and col. 9 lines 58 – col. 10 lines 20);

c) making a call to access the distributed object via the Common Object

Request Broker Architecture (adapter 226 make calls to object model adapter which

manages the object models, col. 10 lines 5 – 20);

d) receiving a response from the call in the step c) (receiving the result, col. 11

lines 58 – col. 12 lines 5);

e) translating the response to a form which is substantially compliant with

the Practical Extraction Report Language (adapter mapping the result, col. 10 lines 5 –

20); and

f) passing the translated response from the step e) to the PERL program

(passing result pack to Perl interpreter, col. 9 lines 40 – 60 and col. 11 lines 58 – col. 12

line 5).

10.   **As to claim 12**, see rejection for claim 20 above.

11.   **As to claim 13**, Nevarez teaches the step of wherein the distributed object is

located on a remote computer system (remote, col. 6 lines 45 – 50 and col. 9 lines 39 -

50).

12.   **As to claim 16**, Nevarez teaches the step of stored therein the PERL program and the distributed object (storage, col. 9 lines 5 – 20).

13.   **As to claim 17**, see rejection for claim 20 above.

14.   **As to claim 19**, Nevarez teaches the step of wherein the program comprises a module generated by Practical Extraction Report Language External Subroutine (PERL-EXT, fig. 2).

15.   **As to claim 1,** this is a method claim of claim 11. See rejection for claim 11 above. Further, Nevarez teaches the step of wherein the translating comprises translating from PERL to an intermediate language (adapter 226 map the PERL into a form recognized by the UCS core 228, col. 9 lines 58 – col. 10 lines 20) and translating from the intermediate language to the format that is suitable for the CORBA (core 228 maps the script commands from the universal language adapter 226 into calls to the object model adapter 230. The object model adapter 230 instantiates all mapping objects into the core 228, which manages the registry of language and object models, col. 9 lines 58 – col. 10 lines 20 and abstract and col. 7 lines 40 - 65).

16.   **As to claims 2 and 4,** Nevarez teaches the step of an adapter (adapter, col. col. 9 lines 58 – col. 10 lines 20, and col. 7 lines 40 - 65) program converting a data

structure specified by the PERL request into a form which is substantially compliant with

a CORBA program.

17.   **As to claim 5**, Nevarez does not explicitly teach the step of wherein the adapter

program is written in a first programming language (fig. 2 and col. 9 lines 58 – col. 10

lines 20) and the PERL application is written in second programming language (Perl

language, fig. 2), the first and the second programming languages being different.

18.   **As to claim 6**, Nevarez teaches the step of wherein the adapter program is

substantially compliant with the C programming language (adapter is in C/C++, fig. 2

and col. 9 lines 58 – col. 10 lines 20).

19.   **As to claim 7**, see rejection for claim 13 above.

20.   **As to claim 8**, see rejection for claims 17 above.

21.   **As to claim 10**, Nevarez teaches the step of the PERL program accessing user

information over a number of databases (database, col. 8 lines 20 – 35) by connecting

to a server via the CORBA.

22.   **As to claims 24 and 25**, Nevarez teaches the step comprising of an adapter

program that performs memory management of input and output parameters of the

PERL program (parameters will be passed back to Perl, col. 9 lines 50 – 60).

23.   **As to claim 28**, Nevarez teaches the step of wherein the intermediate language

is substantially compliant with a C program language (adapter layer is written in C/C++

language, fig. 2).

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negati ved by the manner in which the invention was made.

25.   **Claims 3, 9, 14 - 15, 18, and 26 – 27 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over Nevarez, US patent no. 6,609,158 in view of Goldberg, US

patent no. 6,496,833.

26.   **As to claim 3**, Nevarez does not explicitly teach the step of wherein the program

comprises a client stub.

Goldberg teaches the client stub (client stub, col. 7 lines 30 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nevarez and Goldberg's system because Goldberg's client stub would provide another design choice, in addition to the Perl extension, to access to the CORBA from application with different platforms.

27.   **As to claim 9**, Goldberg teaches the step of for a plurality of objects described in an Interface Definition Language (IDL), providing a corresponding plurality of translations (IDL, col. 7 lines 40 – 55).

28.   **As to claim 14**, see rejection for claim 3 above.

29.   **As to claim 15**, Nevarez teaches the step of converting a data structure (adapter mapping the result, col. 10 lines 5 – 20) into a form that is substantially compliant with the data structures of the client stub.

30.   **As to claim 18**, see rejection for claim 8 above.

31.   **As to claims 26 and 27**, Goldberg teaches the step of adapter program handling an exception (If an error has occurred, exception information generated by the server or by the ORB is returned. An object adapter ..... server, col. 7 lines 50 – 63).

Conclusion

32.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Atsatt et al, US patent no. 6,233,622, demonstrating an adapter and handler framework for web server.

33.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Ph
September 7, 2004